

and containment of litigation expenses, as well as that of moving forward to enforce the judgment, BB&T has decided not to pursue an award of attorney's fees in this matter.

In light of the information set forth in the Status Report, it is hereby **ordered** as follows:

1. Defendants' counsel is **ordered to show cause**, on or before **March 22, 2013**, for his failure to comply with the clear directive in the March 8 Order that he consult with plaintiff's counsel regarding the attorney's fee issue and submit a joint report concerning those discussions;¹
2. Plaintiff having elected to forego filing a formal petition for attorney's fees, the final judgment will not include an award of contractual fees and other costs of collection incurred by plaintiff in this action;
3. There being no remaining merits issues to decide, the Court will enter a separate judgment contemporaneously herewith in favor of BB&T and against Howard and Churchill, jointly and severally, in the total amount of **\$2,082,271.02** (inclusive of the unpaid principal, accrued interest, and late fees and other fees prescribed by contract); and
4. The Clerk's Office is directed to close this file for administrative and statistical purposes, provided, however, that the Court will retain jurisdiction over the show-cause issue on a post-judgment basis.

DONE and ORDERED this 18th day of March, 2013.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE

¹ During the course of this litigation, defense counsel twice requested (and received) an extension of time to file a response to a potentially dispositive motion, both times leading the Court to believe that he was indeed preparing a substantive response, but simply required more time to complete it. On both occasions, however, defense counsel filed no response whatsoever after being granted the requested extension, such that the only result of his motions for extension was to impede the prompt and timely resolution of this matter. Given this sequence of events in this very case, the Court will not turn a blind eye to counsel's apparent disregard of the March 8 Order.